

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

FILED

MAR 28 2016


CLERK

RANDY BRUDWICK,

Plaintiff,

vs.

CREDIT COLLECTIONS BUREAU,

Defendant.

) Case No.: 16-5019

) COMPLAINT

Plaintiff, Randy Brudwick (hereinafter "Plaintiff"), by and through undersigned counsel, hereby alleges against Defendant, Credit Collections Bureau (hereinafter "Defendant"), as follows:

PRELIMINARY STATEMENT

1. This is an action for damages arising from Defendant's violations of the Fair Debt Collections Practices Act, 15 U.S.C. §1692 *et seq.* (hereinafter "FDCPA").

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and 15 U.S.C. §1692k (d).

3. Venue is proper in this district under 28 U.S.C §1391(b).

PARTIES

4. Plaintiff is a natural person, who at all relevant times has resided in Redfield, South Dakota, 57469 and is a “consumer” as the phrase is defined and applied under 15 U.S.C. §1692(a) of the FDCPA.

5. Defendant is a corporation doing business in the State of South Dakota, with its address as 410 Sheridan Lake Road, Rapid City, South Dakota 57702 and is “debt collector” as the phrase is defined and applied under 15 U.S.C. §1692(a) of the FDCPA in that they regularly attempt to collect on debts primarily incurred for personal, family or household purposes.

FACTUAL STATEMENT

6. On or about March 26, 2015, Defendant sent Plaintiff a letter in attempt to collect a medical debt allegedly due and owing for \$1,584.04.

7. Medical debt is a debt incurred for personal, family or household purposes.

8. After receiving the letter, Plaintiff called Defendant in attempt to finalize payment.

9. Plaintiff and Defendant agreed to close the debt out for \$1,425.00.

10. On May 7, 2015, Plaintiff sent in a cashier’s check for that amount, and the check was cashed.

11. Thereafter, Plaintiff called Defendant and was informed that the debt had been paid in full.

12. Despite receiving payment, Defendant filed suit against Plaintiff for \$1,584.04, and obtained a judgment against Plaintiff on June 24, 2015.

COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. §1692 et seq

13. Plaintiff repeats the allegations contained in the above paragraphs and incorporates them as if specifically set forth at length herein.

14. Defendant engaged in unfair and deceptive acts and practices, in violation of 15 U.S.C. §§1692e, 1692e(2), 1692e(10), and 1692f, by suing Plaintiff on a paid debt.

15. Section 1692e provides:

§ 1692e. False or misleading representations [Section 807 of P.L.]

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . .

(2) The false representation of—

(A) the character, amount, or legal status of any debt; . . .

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer...

16. Section 1692f provides:

§ 1692f. Unfair practices [Section 808 of P.L.]

A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt. . . .

WHEREFORE, Plaintiff, Randy Brudwick, respectfully requests that this Court do the following for the benefit of Plaintiff:

- a. Enter a judgment against Defendant for actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);
- b. Enter judgment against Defendant for statutory damages, 15 U.S.C. § 1692k(a)(2)(A) and (B), in the amount of \$1,000.00;
- c. Award costs and reasonable attorneys' fees, pursuant to 15 U.S.C. § 1692k(a)3;
- d. Grant such other and further relief as may be just and proper.

JURY TRIAL DEMAND

17. Plaintiff demands a jury trial on all issues so triable.

~~Dated this 16th of March, 2016~~

3/18/16
3/25/16

Respectfully Submitted,

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